

I. Remarks

Claims 1-20 are pending in the application and have been finally rejected by the Examiner. The issues in the present Office Action are:

- Claims 1, 2, and 4-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,494,367 to *Zacharias* (hereinafter *Zacharias*); and
- Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Zacharias* in view of U.S. Patent No. 6,464,135 to *Cohen et al* (hereinafter *Cohen*).

II. Claim Amendments

Claims 1 and 11 were amended to add additional features related to the ability to select which accounts are capable and available to facilitate the pending financial transaction as shown in the specification at least at paragraph [0025]. No new matter is added by the claim amendments.

III. 35 U.S.C. § 102(e) Rejection over *Zacharias*

Claims 1, 2, and 4-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Zacharias*. Applicants respectfully assert that the rejected claims are allowable at least for the reasons stated below.

It is well settled that to anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131. Applicants respectfully assert that the disclosure of *Zacharias* does not teach all the elements of the claims. Therefore, the 35 U.S.C. § 102(e) rejections should be withdrawn.

1. Independent Claims

Claim 1 requires:

a processor...wherein said processor queries said database to determine the types of accounts that can be used for said financial transactions and limits the information sent to said terminal device to said accounts that can be used for said financial transactions.

Zacharias does not teach this element. *Zacharias* teaches a Supracard for providing secure access to multiple cards and accounts. (*Zacharias*, col. 3, lns 10-13). *Zacharias* also teaches a database that correlates an identification number with a record containing a list of

card types and expiry dates that corresponds to their associated index number. (*Zacharias*, col. 3, lns 15-20). The index number is used to refer to a code pointing to a specific entry within a list of card information entries pertaining to a Supracard Number. (*Zacharias*, col. 4, lns 3-7). Additionally a translator is used to receive the identification number and index number selected by an authorized holder. (*Zacharias*, col. 2, lns 10-20 and col. 3, lns 17-22). In completing an application, a card processor system will recognize a multi-use card and the need for an application specific index number. (*Zacharias*, col. 5, lns 58-61). The user will then be prompted for an index number, and the card processor will then send the Supracard number and index number to the card translator. (*Zacharias*, col. 5, lns 58-64). The index number selected by an authorized user is then used to select which account will be used, and based on the selected index number, the translator retrieves the appropriate account number from the list of multiple cards and accounts to be used in completing a specified application. (*Zacharias*, col. 3, lns 21-27).

Thus, in completing a transaction, *Zacharias* does not teach a processor that queries a database to determine the types of accounts that can be used to complete the transaction at hand. *Zacharias* teaches a system wherein the user is to input an index number, and the account is selected based on the index number chosen by the user. Thus, *Zacharias* gets the account information corresponding to the index number from a database, but there is no querying of the database to determine the types of accounts that can be used for a financial transaction. In addition, *Zacharias* does not provide the user with limited information based on the database query. There is no teaching of a processor that queries a database to determine the types of accounts that can be used thereby limiting the information sent to a terminal device to accounts which can be used for a particular type of financial transaction as required in amended claim 1. Thus, *Zacharias* fails to teach all the elements of claim 1. Therefore, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claim 11 requires:

***presenting a plurality of account selection options
representing said account information to a user wherein said
plurality of account selection options is limited to accounts
capable of facilitating said financial transaction.***

Zacharias does not teach this element. *Zacharias* teaches the use of an index number selected by an authorized user to select which account will be used in completing a specified

application. (*Zacharias*, col. 2, lns 6-27). *Zacharias* does not teach a method wherein account selection is limited to accounts that are capable of facilitating a financial transaction. *Zacharias* merely allows a user to select which account to use, but there is no limiting of which accounts are available as required in claim 11. Thus, *Zacharias* fails to teach all the elements of claim 11. Applicants respectfully request that the rejection of claim 11 be withdrawn.

Claims 1, 11, and 20 also require:

a multi-use card...initially issued by an independent financial institution to represent a single independent credit account with said financial institution prior to use as a multi-use card.

Zacharias does not teach this element. *Zacharias* teaches a multi-application card, referred to as a Supracard. (*Zacharias*, col. 2, lns 55 to 59). The Supracard is issued by a licensed card translator to consumers who have signed up for the Supracard service. (*Zacharias* col. 5, lns 27 to 32). The Supracard is the primary card, and all other cards such as Visa®, MasterCard®, American Express®, club membership cards, insurance cards, etc. are sub-cards. (*Zacharias*, col. 5, lns 4-8). This Supracard is an additional card that is issued to replace any or all sub-cards. (*Zacharias*, col. 5, lns 5 to 9). However, the Supracard is not a card that represents a single independent credit account from an independent institution prior to use as a multi-use card. The Supracard itself is not tied to any independent account and cannot be used for purchases until sub-card details, such as Visa® or MasterCard® account numbers and expiration dates, are entered and stored in the computer database.

On the other hand, the multi-use card required in claims 1, 11, and 20 is a card that represents an independent account such as a Visa® card, and this card may be used for purchases before it is used as a multi-use card. Additional sub-card details do not have to be stored in a database in order to access the single credit account that the claimed multi-use card was originally issued to represent. Moreover, in support of the 35 U.S.C. § 102(e) rejection, the Examiner states that the prior art to *Zacharias* teaches a multi-use card for providing access to multiple card accounts or a single card account. (Office Action at 6). However, the Examiner fails to point out the prior art relied upon, and the Examiner fails to address the entire limitation presented by claims 1, 11, and 20. The Examiner merely states in the current Office Action that *Zacharias* does teach the element listed above. *Zacharias*

does not teach every element of claims 1, 11, and 20, and therefore, *Zacharias* does not anticipate claims 1, 11, and 20.

2. Dependent Claims

Claims 2, 4-10, and 12-19 depend directly or indirectly from respective base claims 1 and 11 and thereby inherit all of the limitations of their respective base claims. Accordingly, without conceding that the Examiner's assertions are valid with respect to the limitations of the rejected dependent claims, it is respectfully submitted that the dependent claims are allowable based on their dependency from independent base claims 1 and 11 for at least the reasons discussed above. Thus, Applicants respectfully submit that based on the arguments above, claims 2, 4-10, and 12-19 are patentable under 35 U.S.C. § 102(e).

IV. 35 U.S.C. § 103(a) Rejection over *Zacharias* in view of *Cohen*

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Zacharias* in view of *Cohen*.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), the prior art cited must teach or suggest all the claim limitations. MPEP §2143. Applicants submit that the cited references do not teach or suggest all of the elements required by the claims. Therefore, claim 3 is not obvious under 35 U.S.C. § 103(a).

A. The *Zacharias/Cohen* Combination of Fails to Teach All Claim Limitations

Claim 3 is a dependent claim that depends directly from base claim 1 and thereby inherits all of its limitations. Accordingly, claim 3 requires the following elements of claim 1:

a multi-use card...initially issued by an independent financial institution to represent a single independent credit account with said financial institution prior to use as a multi-use card; and

a processor...wherein said processor queries said database to determine the types of accounts that can be used for said financial transactions and limits the information sent to said terminal device to said accounts that can be used for said financial transactions.

As discussed above, *Zacharias* does not teach these elements. *Cohen* fails to cure this deficiency. Therefore, the *Zacharias/Cohen* combination does not teach or suggest every limitation of claim 3. Accordingly, Applicants respectfully assert that claim 3 is patentable under 35 U.S.C. § 103(a).

V. Summary

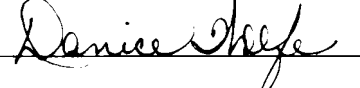
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10011988-1 from which the undersigned is authorized to draw.

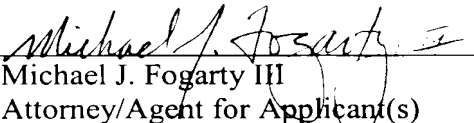
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